

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**J.P. MORGAN CHASE BANK, NA,
Plaintiff,**

v.

Case No. 11-CV-00800

**KENNETH KRAEMER, and
NISARAT KRAEMER
Defendants.**

DECISION AND ORDER

Plaintiff J.P. Morgan Chase Bank, N.A. filed this foreclosure action in Milwaukee County Circuit Court against defendants Kenneth and Nisarat Kraemer, who then removed the case to federal court. Ordinarily, a defendant who removes a case to federal court must pay a statutory filing fee of \$350. 28 U.S.C. § 1914(a). Plaintiff, however, has requested leave to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915.

Section 1915 is meant to ensure indigent litigants meaningful access to federal courts, Nietzke v. Williams, 490 U.S. 319, 324 (1989), and applies to both nonprisoner plaintiffs and to plaintiffs who are incarcerated, Floyd v. United States Postal Serv., 105 F.3d 274, 275-77 (6th Cir. 1997) (“[T]he only logical interpretation of the statute is that non-prisoners have the option to proceed in forma pauperis under § 1915(a).”). Here, the heightened requirements of the Prison Litigation Reform Act do not apply. See West v. Macht, 986 F.Supp. 1141, (W.D. Wis. 1997). Under § 1915, an indigent party may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the

nature of the action, defense or appeal and the affiant's belief that the person is entitled to redress." 28 U.S.C. § 1915(a)(1).

Defendants have filed the required affidavits of indigence. Upon review of those affidavits, I am satisfied that defendants meet the poverty requirements of 28 U.S.C. § 1915. Defendants are married and support themselves and three minor children on an income of \$1694 per month, of which \$1675 goes to fixed expenses. Additionally, defendants have stated their grounds for removal and asserted their belief that this court has jurisdiction over this case.

NOW, THEREFORE, IT IS HEREBY ORDERED that Kenneth and Nisarat Kraemer's motions to proceed in forma pauperis are **GRANTED**.

Dated at Milwaukee, Wisconsin this 29th day of September 2011.

s/ _____
LYNN ADELMAN
District Judge